

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

BOBBIE GREEN

PLAINTIFF

VS.

CASE NO. 07-CV-4032

CITY OF TEXARKANA, ARKANSAS and
Todd Harness (Individually and in his official
capacity as a Police Officer of the City of Texarkana)

DEFENDANTS

ORDER

Before the Court is a Substitute Motion for Summary Judgment filed on behalf of Defendants City of Texarkana, Arkansas, (“City”) and Todd Harness and Holly Monroe, individually and in their official capacity as police officers for the City of Texarkana, Arkansas. (Doc. 38). Plaintiff Bobbie Green has responded. (Doc. 43). The Court finds the matter ripe for consideration.

For reasons discussed in the Memorandum Opinion of even date, the Court finds that Defendants’ Motion for Summary Judgment should be and hereby is **GRANTED** in part and **DENIED** in part. The Motion is granted with regard to Defendants City of Texarkana, Arkansas and Defendants Todd Harness and Holly Monroe in their official capacity as police officers for the City of Texarkana. Plaintiff’s official capacity claims against all Defendants are hereby **DISMISSED WITH PREJUDICE**. The Motion is also granted with regard to Plaintiff’s claim of cruel and unusual punishment under the Eighth Amendment. Plaintiff’s Eighth Amendment claims against Defendants Todd Harness and Holly Monroe individually are **DISMISSED WITH PREJUDICE**. The Motion is **DENIED** with regard to Plaintiff’s Fourth Amendment claim against Defendants Todd Harness and Holly Monroe individually.

IT IS SO ORDERED, this 14th day of May, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge